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LAWS

REGULATING THE PRACTICE OF MEDICINE

IN

NORTH CAROLINA.

SECTION 3121. MEDICAL SOCIETY OF THE STATE, A BODY POLITIC. PRIVATE LAWS, 1858-'9, c. 258, s. 1:

The Association of regularly graduated physicians, calling themselves "The State Medical Society," is hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The Medical Society of the State of North Carolina."

SEC. 3122. WHO MAY PRACTICE. 1858-'9, c. 258, s. 2:

No person shall practice medicine or surgery, nor any of the branches thereof, nor in any case prescribe for the cure of diseases for fee or reward, unless he shall have been first licensed so to do in the manner hereinafter provided.

SEC. 3123. BOARD OF PHYSICIANS TO CONSIST OF SEVEN. 1858-'9, c. 258, ss. 3, 4:

In order to the proper regulation of the practice of medicine and surgery, there shall be established a Board of regularly graduated physicians, to be known by the title of "The Board of Medical Examiners of the State of North Carolina," which shall consist of seven regularly graduated physicians.

SEC. 3124. DUTY OF BOARD. 1858-'9, c. 258, s. 5:

It shall be the duty of the said Board to examine all applicants for license to practice medicine or surgery, or any c

the branches thereof, on the following branches of medical science: Anatomy, Physiology, Surgery, Pathology, Medical Hygiene, Chemistry, Pharmacy, Materia Medica, Therapeutics, Obstetrics, and the Practice of Medicine, and if on such examination they be found competent, to grant to each applicant a license or diploma, authorizing him to practice medicine and surgery, or any of the branches thereof: *Provided*, five members of the Board shall constitute a quorum and four of those present shall be agreed as to the qualifications of the applicant.

SEC. 3125. TEMPORARY LICENSE. 1858-'9, c. 258, s. 7:

To prevent delay and inconvenience, two members of the Board of Medical Examiners may grant a temporary license to any applicant and make report thereof to the next regular meeting of the Board: *Provided*, such temporary license shall not continue in force longer than the next regular meeting of the Board, and such temporary license shall in no case be granted after the applicant has been refused a license by the Board of Medical Examiners.

SEC. 3126. HOW APPOINTED. 1858-'9, c. 258, s. 9:

The Medical Society shall have power to appoint the Board of Medical Examiners.

SEC. 3127. WHERE AND WHEN TO ASSEMBLE. 1870-'1, c. —, s. 11:

The Board of Medical Examiners shall assemble at the same time and places when and where the Medical Society assembles, which Society shall assemble at least once in every year at such time and place as the said Society, at its next preceding meeting, shall have fixed; and the said Board shall remain in session from day to day until all applicants to may present themselves for examination within the first

five days after its meeting shall have been examined and disposed of.

SEC. 3128. OFFICERS, ETC. 1858-'9, c. 258, s. 11:

The Board of Medical Examiners are authorized to elect all such officers and to frame all such by-laws as may be necessary, and in the event of any vacancy by death, resignation or otherwise, of any member of said Board, the Board, or a quorum thereof, is empowered to fill such vacancy.

SEC. 3129. THE BOARD OF EXAMINERS TO KEEP A RECORD.

1858-'9, c. 258, s. 12:

The Board of Examiners shall keep a regular record of its proceedings in a book kept for that purpose, which shall always be open for inspection, and shall cause to be entered on a book kept for the purpose the name of each applicant for license, and the name of each applicant licensed to practice medicine and surgery, and the time of granting the same, together with the names of the members of the Board present, and shall publish the names of those licensed in two of the newspapers published in the city of Raleigh, within thirty days after the granting of the same.

SEC. 3130. LICENSE. 1858-'9, c. 258, s. 13:

The Board shall have power to demand of every applicant thus licensed the sum of ten dollars before issuing a license or diploma, and the sum of five dollars for each temporary license, to be paid to the Secretary of the Board.

SEC. 3131. THE BOARD; THEIR COMPENSATION. 1870-'1, c. —, s. 14:

The members of the said Board shall each receive as a compensation for their services four dollars per day during the time of their session, and in addition thereto their traveling expenses to and from their places of meeting by the most

direct route from their respective places of residence, to be paid by the Secretary of the Board out of any moneys in his hands, upon the certificate of the President of the Board of Medical Examiners.

SEC. 3132. PRACTICING WITHOUT LICENSE. 1858-'9, c. 258, s. 15; 1885, c. 117 AND 261:

Any person who shall practice medicine or surgery without having first applied for and obtained license from the said Board of Examiners, shall not be entitled to sue for or recover before any court any medical bill for services rendered in the practice of medicine or surgery or any of the branches thereof. And any person who shall begin the practice of medicine or surgery in this State for fee or reward, after the passage of this act, [March 7th, 1885,] without first having obtained license from said Board of Examiners, shall not only not be entitled to sue for or recover before any court any medical bill for services rendered in the practice of medicine or surgery, or any of the branches thereof, but shall also be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned at the discretion of the court, for each and every offence: *Provided*, that this act shall not be construed to apply to women who pursue the vocation of a midwife: *And provided further*, that this act shall not apply to any reputable physician or surgeon resident in a neighboring State coming into this State for consultation with a registered physician resident therein. But this proviso shall not apply to physicians resident in a neighboring State regularly practicing in this State: *Provided*, that this section shall not apply to physicians who have a diploma from a regular medical college, and were practicing medicine or surgery in this State prior to the seventh day of March, one thousand eight hundred and eighty-five.

SEC. 3133. MAY RESCIND LICENSE. 1858-'9, c. 258, s. 16:

The said Board shall have the power to rescind any license granted by them when, upon satisfactory proof, it shall appear that any physician thus licensed has been guilty of grossly immoral conduct.

SEC. 3134. SECRETARY. 1858-'9, c. 258, s. 17:

The Secretary of the Board of Medical Examiners shall give bond, with good security, to the President of the Board, for the safe-keeping and proper payment of all moneys that may come into his hands.

REGISTRATION. 1889, c. 181, ss. 3 (IN PART), 4, 5, 6, 7:

SEC. 3. * * * All persons who are now practicing medicine or surgery in this State shall, before the first day of January, one thousand eight hundred and ninety, personally appear before the Clerk of the Superior Court of the county where any such person resides or practices for registration as herein provided; and any person who shall begin the practice of medicine or surgery in this State after the passage of this act shall likewise personally appear before the Clerk of the Superior Court of the county in which he resides or practices within thirty days after obtaining a license from the Board of Medical Examiners of the State, as now provided by law for such registration.

SEC. 4. That any person applying for registration as herein provided shall produce and exhibit before the Clerk of the Superior Court a license obtained from the Board of Medical Examiners aforesaid, or a diploma issued by a regular medical college prior to the seventh day of March, 1885, or make oath that he was practicing medicine or surgery in this State prior to said seventh day of March, 1885; and upon such exhibit or oath being made as aforesaid, the Clerk shall register the date of registration with the name and residence of such applicant in a book to be kept for this purpose in

his office, marked "Register of Physicians and Surgeons," and shall issue to him a certificate of such registration under the seal of the Superior Court of the county upon the form furnished him, as hereinafter provided, for which the Clerk shall be entitled to collect from said applicant a fee of twenty-five cents. The person obtaining said certificate shall be entitled to practice medicine or surgery, or both, in the county where the same was obtained, and in any other county in this State; but if he shall remove his residence to another county he shall exhibit said certificate to the Clerk of such other county and be registered, which registration shall be made by said Clerk without fee or charge: *Provided*, that any one having obtained a temporary license, as provided in section three thousand one hundred and twenty-five of The Code, shall not be entitled to register, but may practice during the time such license shall remain in force.

SEC. 5. That any person who shall practice or attempt to practice medicine or surgery in this State without first having registered and obtained the certificate as aforesaid shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned at the discretion of the Court, for each and every offence: *Provided*, this act shall not apply to women pursuing the vocation of midwife, nor to reputable physicians or surgeons resident in a neighboring State coming into the State for consultation with a registered physician of this State.

SEC. 6. That any Clerk of the Superior Court who shall register or issue a certificate to any person in any other manner than that prescribed by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred dollars and shall be removed from office.

SEC. 7. That it shall be the duty of the Medical Society of the State of North Carolina to prescribe a proper form of

certificate required by this act, and on or before the first day of July, one thousand eight hundred and eighty-nine, to furnish the Clerk of the Superior Court of each county in the State blank forms thereof, and also one or more copies of this act; and it shall be the duty of said Clerk, immediately upon receipt of this act, to post a copy thereof in some conspicuous place in the court-house of the county. Said society shall likewise furnish every physician in the State, whose address can be obtained, a copy of this act, on or before said first day of July, one thousand eight hundred and eighty-nine.

